**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE M.N.KRISHNAN**

**WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929**

**WP(C).No. 9474 of 2007(C)**
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**AGAINST THE ORDER DATED 26/10/2006 IN IA.644/03 IN OS.24/2003 of SUB COURT, OTTAPPALAM**
**.....**

**PETITIONER: PETITIONER/2ND DEFENDANT**
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**A.T.PRABHAKARAN NAIR,**
**AGED 75 YEARS, S/O. ITTYAVADI @ AMMU AMMA,**
**ACHATH ARIYANDATH, NAGALASSERY, OTTAPALAM.**

**BY ADV. SRI.S.M.PREM**
**SMT.K.P.SANTHI**
**SRI.P.K.NIJOY**

**RESPONDENTS: RESPONDENTS/PLAINTIFFS**
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**1. SUSHEELA, AGED 57 YEARS,**
**ACHATH ARIYANDATH, NAGALASSERY, OTTAPALAM.**

**2. A.T.JAYALAKSHMI, AGED 38 YEARS,**
**ACHATH ARIYANDATH, NAGALASSERRY, OTTAPALAM.**

**ADV. SRI.P.R.RAMACHANDRA MENON FOR R1 AND R2**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**WP(C) NO: 9474/2007**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1. COPY OF THE IA. NO. 644/2003 IN OS NO. 24/2003 BEFORE THE SUB COURT, OTTAPALAM.**

**EXT.P2. COPY OF THE ORDER DT. 26/10/2006 IN IA NO. 644/2003 IN O.S NO. 24/2003 BEFORE THE SUB COURT, OTTAPALAM.**

**RESPONDENT'S EXHIBITS NIL.**

*True copy*

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**M.N. KRISHNAN, J.**

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**W.P.C. NO. 9474 OF 2007**

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**Dated this the 24th day of October, 2007.**

**J U D G M E N T**

This writ petition is filed against the order passed by the Subordinate Judge, Ottappalam in I.A.644/03 in O.S.24 of 2003. It was an application filed whereby the petitioner request him to be appointed as a guardian of the first defendant on the ground that the first defendant is not able to look after himself. The procedure to be followed are contemplated under Order 32 Rule 15 CPC. The learned Subordinate Judge is expected to conduct an enquiry and satisfy his conscience after hearing both sides regarding the appointment of a guardian. Without resorting to any of these things the learned Subordinate Judge has dismissed the application by a one word order. This Court on repeated occasions had cautioned that the order can be brief but not blank. Here is an order which is blank. Therefore, the order has to be set aside and the learned Subordinate Judge has to

be directed to dispose of the matter in accordance with law after hearing both sides. Therefore, the order under challenge is set aside and the matter is remitted back to the Subordinate Judge, Ottappalam with a direction to consider the matter afresh after giving sufficient opportunity to both the sides to put forward their respective contentions and also adduce evidence and dispose of the matter in accordance with law.

The writ petition is disposed of accordingly.

**M.N. KRISHNAN, JUDGE.**

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